UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,399	12/06/2001	Arturo A. Rodriguez	A-7492	2909

5642 7590 03/22/2007

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER	
TRAN, HAI V	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/22/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No.	Applicant(s)	
	10/008,399	RODRIGUEZ, ARTURO A.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-104* is/are pending in the application.

4a) Of the above claim(s) *17,18,66 and 67* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,19-65 and 68-104* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-104 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-16, 19-65, 68-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Maissel et al. (US 6637029) in view of Conkwright et al. (US 7139723).

Claims 1 and 49, Maissel discloses a method/system for providing television functionality (see Col. 1, lines 1-13) comprising:

tracking viewing parameters corresponding to services that are provided to a user (Col. 16, lines 12-Col. 17, lines 50); tracking the user preference by assigning a score (preference strength) to a viewing parameter (Col. 12, lines 23-43).

determining a user preference for a viewing parameter (Col. 11, lines 55-65; Col. 12, lines 23-45; Col. 17, lines 17-50); determining the score for a viewing parameter based on a combination of scores associated with the viewing parameter (Col. 12, lines 23-43).

receiving user input requesting television functionality (Col. 10, lines 54-63); and

providing a user with a result that is responsive to the user input and to the user preference (Col. 11, lines 47-Col. 13, lines 8).

Maissel does not clearly disclose assigning a score (weight) to the viewing parameter; determining the score for the viewing parameter based on a weighted linear combination of score associated with the viewing.

Conkwright, in an analogous art, discloses disclose tracking the user preference by assigning a score (weight) to the viewing parameter (Col. 8, lines 48-67+; Col. 3, lines 58-Col. 4, lines 13) determining the score for the viewing parameter based on a weighted linear combination of score associated with the viewing (Col. 8, lines 30-35;Col. 9, lines 40-60; Col. 22, lines 1-40; Fig. 12 and 13 and Col. 25, lines 1-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maissel with Conkwright so to analyze collected data to be performed on behaviors observed from larger portion of the population more accurately than data analysis and data mining techniques of the prior art, as suggested by Conkwright (Col. 7, lines 64-Col. 8, lines 3).

Claims 2 and 50, Maissel further discloses where the user preference is determined based on a duration that a service characterized by a viewing parameter is presented to a user (Col. 12, lines 17-35).

Claims 3 and 51, Maissel further discloses where the user preference is determined based on a frequency that a service characterized by a viewing parameter is presented to a user (Col. 12, line 35-45).

Claims 4 and 52, Maissel further discloses where the user preference is determined based on a duration and a frequency that a service characterized by a viewing parameter is presented to a user (Col. 12, lines 17-45).

Claims 5 and 54, Maissel further discloses where the user preference is for a service (Col. 11, lines 59-Col. 12, lines 5).

Claims 6and 55, Maissel further discloses where the user preference conflicts with another user preference (reads on each user has different preference; Col. 11, lines 55-Col.12, lines 15).

Claims 7 and 56, Maissel further discloses where a user defines the user preference (Col. 12, lines 57-Col. 13, lines 8).

Claims 8 and 57, Maissel further discloses where the user preference is determined by tracking services that are provided by a digital home communication terminal (Col. 3, lines 1-8).

Claims 9 and 58, Maissel further discloses where the result is only provided if a preference-adaptive mode is activated (Col. 17, lines 8-50).

Claims 10 and 59, Maissel further discloses where the preference adaptive mode is activated via a switch located on a remote control device (Col. 17, lines 8-50).

Claims 11 and 60, Maissel further discloses where user preference is determined based on user input (Col. 12, lines 45-Col. 13, lines 8).

Claims 12 and 61, Maissel further discloses where the user input indicates a preference for a viewing Parameter (Col. 12, lines 45-Col. 13, lines 8).

Claims 13 and 62, Maissel further discloses where the user input indicates a preference against a viewing parameter (Col. 12, lines 45-Col. 13, lines 8; for example, program rating according to parental control).

Claims 14 and 63, Maissel further discloses where the user input indicates a preference for a first viewing parameter (i.e., program category) and a preference against a second viewing parameter (i.e., program rating according to parental control) (Col. 12, lines 45-Col. 13, lines 8).

Claims 15 and 64, Maissel further discloses where a preference-tracking database is used to keep track of the user preference (Col. 3, lines 1-8).

Claims 16 and 65, Maissel further discloses where the preference tracking database keeps track of user preferences for a plurality of types of viewing parameters (Col. 4, lines 20-51).

Claims 19 and 68, Maissel further discloses where the score for a plurality of viewing parameters may be based on a weighted liner combination of scores associated with the plurality of viewing parameters (Col. 19, lines 23-43).

Claims 20 and 69, Maissel further discloses where the score for a viewing parameter changes over time (Col. 19, lines 23-43).

Claims 21 and 70, Maissel in view of Conkwright (Col. 3, lines 62-65; Col. 9, lines 48-60; Col. 17, lines 33-60; Col. 18, lines 15-20) further discloses where the score for a viewing parameter is revised using statistical analysis.

Claims 22 and 71, Maissel further discloses where the score for a viewing parameter is determined using an artificial intelligence technology (Col. 3, lines 1-8; Col. 4, lines 11-20).

Claims 23 and 72, Maissel further discloses where data identifying the user preference is stored in non-volatile memory (profile storage unit 140 of Fig. 2 or el. 370 of Fig. 8B is a non-volatile memory because the user profile is stored for a period of time, i.e., a month, at the receiver before it could be upload to the headend; Col. 19, lines 58-67).

Claims 24 and 73, Maissel further discloses where data identifying the user preference is stored within a digital home communication terminal (profile storage unit 140 of Fig. 2 or el. 370 of Fig. 8B is a non-volatile memory because the user profile is stored for a period of time, i.e., a month, at the receiver before it could be upload to the headend; Col. 19, lines 58-67).

Claims 25 and 74, Maissel further discloses where data identifying the user preference is stored within a headend device (see Fig. 8A, e. 370).

Claims 26 and 75, Maissel further discloses where the user preference corresponds to at least one viewing parameter (Col. 12, lines 60-Col. 13, lines 8).

Claims 27 and 76, Maissel further discloses where the viewing parameter is a television service (Col. 12, lines 60-Col. 13, lines 8).

Claims 28 and 77, Maissel further discloses where the viewing parameter is a type of television service (Col. 12, lines 60-Col. 13, lines 8).

Claims 29 and 78, Maissel further discloses where the viewing parameter is a television instance (Col 12, lines 60-Col. 13, lines 8).

Claims 30 and 79, Maissel further discloses where the television instance is a television program (Col 12, lines 60-Col. 13, lines 8).

Claims 31 and 80, Maissel further discloses where the viewing parameter is a type of television instance (Col 12, lines 60-Col. 13, lines 8).

Claims 32 and 81, Maissel further discloses where a look-up table is used to determine the user preference for a viewing parameter (Col. 15, lines 63-Col. 16, lines 12 and Col. 18, lines 8-28).

Claims 33 and 82, Maissel further discloses where a look-up table is used to determine a user preference for a plurality of viewing parameters (Col. 12, lines 60-Col. 13, lines 8; Col. 15, lines 63-Col. 16, lines 12 and Col. 18, lines 8-28).

Claims 34 and 83, Maissel further discloses where a number of viewing parameters represented in a first look-up table entry is independent from a number of viewing parameters represented in a second look-up table entry (Col. 13, lines 35-Col. 14, lines 54).

Claims 35 and 84, Maissel further discloses where a plurality of look-up tables are used to determine a user preference for a plurality of viewing parameters (Col. 13, lines 35-Col. 14, lines 54).

Claims 36 and 85, Maissel further discloses where the television functionality comprises a presentation of an interactive program guide (IPG; see Fig. 9A-L).

Claims 37 and 86, Maissel further discloses where the result is an IPG that does not provide information corresponding to a time slot that is not in accordance with the user preference (Col. 14, lines 30-33).

Claims 38 and 87, Maissel further discloses where the result is an IPG that is configured in accordance with the user preference (Col. 13, lines 35-Col. 14, lines 54).

Claims 39 and 88, Maissel further discloses where the result is a presentation of an initial IPG screen that lists at least one television service that corresponds to the viewing parameter (Col. 16, lines 12-Col. 18, lines 28).

Claims 40 and 89, Maissel further discloses where the initial IPG screen lists a plurality of television services that correspond to the viewing parameter (Col. 20, lines 3-Col. 21, lines 65).

Claims 41 and 90, Maissel further discloses where the initial IPG screen does not list any television services that do not correspond to the viewing parameter (Col. 14, lines 20-53; Col. 20, lines 3-Col. 21, lines 65).

Claims 42 and 91, Maissel further discloses where the television functionality comprises tuning to a television service (reads on presenting a customizing program guide; Col. 14, lines 20-53; Col. 20, lines 3-Col. 21, lines 65).

Claims 43 and 92, Maissel further discloses where the result comprises tuning to a television service that corresponds to the viewing parameter (reads on customizing an EPG that meets on parental control parameter; Col. 14, lines 20-53; Col. 20, lines 3-Col. 21, lines 65).

Claims 44 and 93, Maissel further discloses where the television functionality comprises tuning to a user identified television service (reads on requesting an EPG; Col. 14, lines 20-53; Col. 20, lines 3-Col. 21, lines 65).

Claims 45 and 94, Maissel further discloses where the user identified television service corresponds to the viewing parameter (reads on EPG that meets on parental control parameter; Col. 14, lines 20-53; Col. 20, lines 3-Col. 21, lines 65).

Claims 46 and 95, Maissel further discloses where the result comprises not tuning to the user identified television service (reads on EPG that does not show programs that do not meet on parental control parameter; Col. 14, lines 20-53; Col. 20, lines 3-Col. 21, lines 65).

Claims 47 and 96, Maissel further discloses where the result comprises prompting a user to provide additional input (Col.11, lines 60-Col. 12, lines 5).

Claims 48 and 97, Maissel further discloses where the additional input comprises a personal identification number (PIN; Col.11, lines 60-Col. 12, lines 5).

Claim 53, Maissel further discloses where the user preference varies over time (Col. 12. lines 15-45).

98. Maissel discloses a method for providing television functionality comprising:

tracking viewing parameters corresponding to services that are provided to a user;

determining a user preference for a viewing parameter; receiving user input requesting television functionality; and providing a user with a result that is responsive to the user input and to the user preference (see Claim 1);

where the user preference corresponds to at least one viewing parameter (see claims 11 and 12);

where the user preference is determined based on a duration that a service characterized by a viewing parameter is presented to a user (see Claim 2);

where the user preference is determined by tracking services that are provided by a digital home communication terminal (see claim 8);

where a preference-tracking database keeps track of user preferences for a plurality of types of viewing parameters (see claims 15 and 16);

where the user preference is tracked by assigning a score to a viewing parameter (see Claim 17); determining the score for a viewing parameter based on a combination of scores associated with the viewing parameter (Col. 12, lines 23-43).

where data identifying the user preference is stored within a digital home communication terminal (see claim 24);

where a look-up table is used to determine the user preference for a viewing parameter (see claim 32).

Maissel does not clearly disclose determining the score for the viewing parameter based on a weighted linear combination of score associated with the viewing.

Conkwright, in an analogous art, discloses disclose tracking the user preference by assigning a score (weight) to the viewing parameter (Col. 8, lines 48-67+; Col. 3, lines 58-Col. 4, lines 13) determining the score for the viewing parameter based on a weighted linear combination of score associated with the viewing (Col. 8, lines 30-35;Col. 9, lines 40-60; Col. 22, lines 1-40; Fig. 12 and 13 and Col. 25, lines 1-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maissel with Conkwright so to analyze collected data to be performed on behaviors observed from larger portion of the population more accurately than data analysis and data mining techniques of the prior art, as suggested by Conkwright (Col. 7, lines 64-Col. 8, lines 3).

Claim 99, Maissel further discloses the method is analyzed with respect to method claim 1.

Claim 100, "where the step of tracking comprises measuring time periods that services corresponding to one or more of the viewing parameters are provided to a user" is analyzed with respect to claim 2.

Claim 101, "where the step of tracking comprises determining a number of times that services corresponding to one or more of the viewing parameters are provided to a user" is analyzed with respect to claim 3.

Claim 102, a method for providing television functionality is analyzed with respect to method claim 1.

Claim 103, "where the step of tracking comprises measuring time periods that services corresponding to one or more of the viewing parameters are provided to a user" is analyzed with respect to claim 2.

Claim 104, "where the step of tracking comprises determining a number of times that services corresponding to one or more of the viewing parameters are provided to a user" is analyzed with respect to claim 3.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
03/162007

HAI TRAN
PRIMARY EXAMINER